

July 4, 2023

The Honorable Jennifer L. Rochon
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Immanuel J. Herrmann and Daniel A. Frishberg v. Celsius SPV Investors, LP et al. (In re Celsius Network, LLC) Case No. 1:23-cv-05570 (JLR) (S.D.N.Y.) [rel. Case No. 23-cv-02882 (S.D.N.Y)]

Dear Judge Rochon:

We are writing to request the adjournment of the July 5 deadline to submit our *Appellants' Designation of the Record and Statement of Issues to be Presented on Appeal* in this appeal (Case No. 1:23-cv-05570-JLR) pending our submission of our joint letter with the Series B Preferred Holders and the Celsius Committee of Unsecured Creditors, which is due on July 7, pursuant to your order dated June 26 and your memorandum endorsement order providing further clarification on June 29 in the "TOU" appeal (Case No. 23-cv-02882-JLR.)

As ordered, we are discussing "how the possible settlement would affect briefing in this action" and will update the Court in the joint letter. In the meantime, an adjournment will allow breathing room for the Parties to continue talking until our joint letter is due on July 7, to agree upon (or move for) consolidation after the July 7 deadline, and, we propose, submit our Designation and Statement of Issues **after** any resolution on consolidation, which will give clarity on the appellate record.

This adjournment is unopposed by the Series B Preferred Holders, who stated to us that "we do not object to your requesting a stay from the Court of your deadline to submit the statement of issues or designation." We have agreed with the Series B Preferred Holders to address other issues, including our deadline on our opening brief on the TOU appeal (23-cv-02882-JLR), and our likely proposal to bifurcate briefing in a potentially-consolidated appeal, in the joint July 7 letter (and, should additional clarification apart from the joint letter be needed, we will address that after the joint letter is filed.)

Thank you for your time and attention to this matter. We hope you had a happy 4th of July!

Sincerely,

Daniel A. Frishberg, *Pro Se*
July 4, 2023
/s/Daniel A. Frishberg

Immanuel J. Herrmann, *Pro Se*
July 4, 2023
/s/Immanuel Herrmann

Cc: Committee of Unsecured Creditors and Series B Preferred Holders (via email on 7/4/2023 and ECF)